REMARKS

In accordance with the foregoing, claims 1, 8, and 15 are amended. Claim 22 is added. No new matter is added. Claims 4, 11, and 18 are cancelled. Claims 1-3, 5-10, 12-17, and 19-22 are pending and under consideration.

EXAMINER INTERVIEW

Applicants thank the Examiner for the courtesy of a telephonic interview granted to Applicant's representative on March 14, at which time the outstanding issues in this case were discussed.

CLAIM REJECTION UNDER 35 U.S.C. §102 AND §103

Claims 1-3, 5-10, 12-17, and 19-21 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,957,350 to Demos (hereinafter "Demos"). Claims 4, 11, and 18 are rejected under 35 U.S.C. §103(a) as unpatentable over Demos in view of U.S. Patent No. 6,236,727 to Ciacelli et al. ("Ciacelli").

Independent claims 1, 8, and 15 are amended herewith to include the recitations of claims 4, 11, and 18 that are now cancelled.

Independent claim 1 is directed to an apparatus for creating **an image processing program** (emphasis ours). As exemplarily illustrated in S412 of FIG. 4 and described on page 13, lines 20-25, a watermark inserting module is inserted in one of the non-operation areas of an MPEG expansion module. The combined modules (S413) are output (S413) to the main memory (104 in FIG. 1).

The Examiner is apparently confused and alleges that the claims refer to inserting the watermark in the video data and not to inserting the watermark program in the processing program to generate an image processing program. On page 3 lines 14-15, the outstanding Office Action states that "Demos clearly teaches selecting at least one unit of the base layer or at least one enhancement layer to encrypt." These are layers of the video image and have no relevance to inserting a watermarking module into a processing program. Applicant also respectfully notes that the reference to "Kondo" in the outstanding Office Action, on page 3, line 20 is incomprehensible.

Independent claims 1, 8, and 15 are amended herewith to specify that **the image processing program** is generated by inserting at least one selected watermarking module in a

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selected area of a processing program. The feature has been implicitly recited in the preamble of the original claim, but in view of the persistent misunderstanding, applicants felt compelled to include also explicit recitations. The claims were revised to conform with this change and ensure antecedent basis throughout. No new matter is added.

Applicants have previously argued that Demos discloses on **a watermark** being inserted into **video data** at the time of encryption and not to inserting **a watermarking program into a processing program** as recited in the independent claims. Demos' disclosure relative to watermarking encoded video data does not render obvious inserting a watermark module at a selected location (i.e., area) in a processing program. While Demos' teachings may enable extracting original data from which illegal copies were produced, inserting a watermarking program into a processing program that performs decryption and/or expansion of image data enables identifying a terminal from which illegal copies of the image data were produced.

Demos does not disclose "an area selecting unit that selects at least one area for inserting the selected at least one watermarking program, from a plurality of areas in a processing program that performs decrypting, expanding, or both decrypting and expanding the moving image data" as recited in claim 1. The portions of Demos indicated in the outstanding Office Action refer to areas where the watermark is inserted in the video image data and not to locations (i.e. areas) where the watermarking program is inserted in a processing program. Applicants respectfully directs the Examiner's attention to page 13 lines 20-25 where selecting non-operation areas of the MPEG module to insert watermarking modules are described.

Additionally, Ciacelli does not teach or suggest that the electronic watermark data include a unique number of a tamper resistant module which is an image processing apparatus that executes the image processing program, and that the unique number is encrypted by a unique encryption key of the tamper resistant module. Ciacelli discloses the use of "a tamper resistance algorithm" but the features recited in original claim 4 are not rendered obvious by Ciacelli's disclosure.

In view of the above arguments, claim 1 and claims 2, 3, and 5-7 depending from claim 1 patentably distinguish over the cited prior art at least because the following recitation of claim 1 is not anticipated by Demos and Ciacelli alone or in combination:

> an area selecting unit that selects at least one area for inserting
> the selected at least one watermarking program, from a plurality of
> areas in a processing program that performs decrypting,
> expanding, or both decrypting and expanding the moving image
> data; and

a program inserting unit that generates an image processing program by inserting the selected at least one watermarking program into the selected at least one area of the processing program selected by the area selecting unit, wherein the electronic watermark data include a unique number of a tamper resistant module which is an image processing apparatus that executes the image processing program, and the unique number is encrypted by a unique encryption key of the tamper resistant module.

Amended independent claim 8 and claims 9, 10 and 12-14 depending from claim 8 patentably distinguish over the cited prior art at least because Demos and Ciacelli alone or in combination do not render obvious the following recitation of claim 8:

selecting at least one area from a plurality of areas in a processing program that performs decrypting, expanding, or both decrypting and expanding the moving image data; and

generating the image processing program by inserting the selected at least one watermarking program into the selected at least one area of the processing program, wherein the electronic watermark data include a unique number of a tamper resistant module that executes the image processing program, and the unique number is encrypted by a unique encryption key of the tamper resistant module.

Amended independent claim 15 and claims 16, 17 and 19-21 depending from claim 15 patentably distinguish over the cited prior art at least because Demos and Ciacelli alone or in combination do not render obvious the following recitation of claim 15:

selecting at least one area from a plurality of areas in a processing program that performs decrypting, expanding, or both decrypting and expanding the moving image data; and

generating the image processing program by inserting the selected at least one watermarking program into the selected at least one area of the processing program, wherein the electronic watermark data include a unique number of a tamper resistant module that executes the image processing program, and the unique number is encrypted by a unique encryption key of the tamper resistant module.

NEW CLAIM 22

New claim 22 is directed to an apparatus generating an image processing program that performs watermarking together with decrypting, expanding, or both decrypting and expanding moving image data. The claim is supported by the originally filed specification and patentably distinguishes over the cited prior art at least by reciting:

an area selecting unit that selects at least one location in a processing program that performs decrypting, expanding, or both decrypting and expanding moving image data, for respectively

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inserting the selected at least one watermarking program; and

a program inserting unit that generates an image processing program by inserting each of the selected at least one watermarking program into a respective one of the selected at least one location of the processing program.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: March 17, 2008   By: _____

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